

# Senate File 93 - Introduced

SENATE FILE 93

BY ZAUN

## A BILL FOR

1 An Act relating to the treatment of veteran disability  
2 dependent benefits in the determination of a child support  
3 obligation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 252H.3, subsection 1, Code 2021, is  
2 amended to read as follows:

3 1. Any action initiated under [this chapter](#), including  
4 any court hearing resulting from an action, shall be limited  
5 in scope to the adjustment or modification of the child or  
6 medical support or cost-of-living alteration of the child  
7 support provisions of a support order. A determination of a  
8 controlling order is within the scope of [this chapter](#). If the  
9 social security disability or veteran disability provisions  
10 of [sections 598.22](#) and [598.22C](#) apply, a determination of the  
11 amount of delinquent support due is within the scope of this  
12 chapter.

13 Sec. 2. Section 252H.8, subsection 5, paragraph g, Code  
14 2021, is amended to read as follows:

15 g. Copies of any computation worksheet prepared by the  
16 unit to determine the amount of support calculated using the  
17 mandatory child support guidelines established under section  
18 598.21B, and, if appropriate and the social security disability  
19 or veteran disability provisions of [sections 598.22](#) and [598.22C](#)  
20 apply, a determination of the amount of delinquent support due.

21 Sec. 3. Section 252H.9, subsection 3, paragraph h, Code  
22 2021, is amended to read as follows:

23 h. If applicable, the amount of delinquent support due  
24 based upon the receipt of social security disability or veteran  
25 disability payments as provided in [sections 598.22](#) and [598.22C](#).

26 Sec. 4. Section 252H.14A, subsection 1, paragraph b,  
27 subparagraph (3), Code 2021, is amended to read as follows:

28 (3) The parent is a recipient of disability benefits under  
29 the Act or is a recipient of veteran disability benefits under  
30 Tit. 38 of the United States Code because of the parent's  
31 disability.

32 Sec. 5. Section 252H.16, subsection 1, Code 2021, is amended  
33 to read as follows:

34 1. For actions initiated under [section 252H.15](#), the unit  
35 shall conduct the review and determine whether an adjustment is

1 appropriate. As necessary, the unit shall make a determination  
2 of the controlling order or the amount of delinquent support  
3 due based upon the receipt of social security disability or  
4 veteran disability payments as provided in [sections 598.22](#) and  
5 [598.22C](#).

6 Sec. 6. Section 252H.22, subsection 6, Code 2021, is amended  
7 to read as follows:

8 6. The support order is not subject to the social security  
9 disability or veteran disability provisions pursuant to  
10 sections [598.22](#) and [598.22C](#).

11 Sec. 7. Section [598.21B](#), subsection 2, paragraph b,  
12 subparagraph (3), Code 2021, is amended to read as follows:

13 (3) For the purposes of including a child's dependent  
14 benefit in calculating a support obligation under [this section](#)  
15 for a child whose parent has been awarded disability benefits  
16 under the federal Social Security Act or under Tit. 38 of the  
17 United States Code, the provisions of [section 598.22C](#) shall  
18 apply.

19 Sec. 8. Section [598.22](#), subsection 1, Code 2021, is amended  
20 to read as follows:

21 1. Except as otherwise provided in [section 598.22A](#),  
22 this section applies to all initial or modified orders for  
23 support entered under [this chapter](#), [chapter 234](#), [252A](#), [252C](#),  
24 [252F](#), [600B](#), or any other chapter of the Code. All orders  
25 or judgments entered under [chapter 234](#), [252A](#), [252C](#), [252F](#), or  
26 [600B](#), or under [this chapter](#) or any other chapter which provide  
27 for temporary or permanent support payments shall direct the  
28 payment of those sums to the clerk of the district court or the  
29 collection services center in accordance with [section 252B.14](#),  
30 or as appropriate, a comparable government entity in another  
31 state as provided in [chapter 252K](#) for the use of the person for  
32 whom the payments have been awarded. All income withholding  
33 payments shall be directed to the collection services center,  
34 or as appropriate, a comparable government entity in another  
35 state as provided in [chapter 252K](#). Payments to persons other

1 than the clerk of the district court, the collection services  
 2 center, or as appropriate, a comparable government entity in  
 3 another state as provided in [chapter 252K](#) do not satisfy the  
 4 support obligations created by the orders or judgments, except  
 5 as provided for trusts governed by the federal Retirement  
 6 Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or  
 7 rebates in [section 602.8102, subsection 47](#), or for dependent  
 8 benefits paid to the child support obligee as the result of  
 9 disability benefits awarded to the child support obligor under  
 10 the federal Social Security Act or under Tit. 38 of the United  
 11 States Code. For trusts governed by the federal Retirement  
 12 Equity Act of 1984, Pub. L. No. 98-397, the order for income  
 13 withholding or notice of the order for income withholding shall  
 14 require the payment of such sums to the alternate payee in  
 15 accordance with the federal Act. For dependent benefits paid  
 16 to the child support obligee as a result of disability benefits  
 17 awarded to the child support obligor under the federal Social  
 18 Security Act or under Tit. 38 of the United States Code, the  
 19 provisions of [section 598.22C](#) shall apply.

20 Sec. 9. Section 598.22C, Code 2021, is amended to read as  
 21 follows:

22 **598.22C Child support — social security and veteran**  
 23 **disability dependent benefits.**

24 If dependent benefits are paid for a child as a result of  
 25 disability benefits awarded to the child's parent under the  
 26 federal Social Security Act or under Tit. 38 of the United  
 27 States Code, all of the following shall apply:

28 1. Unless the court otherwise provides, dependent benefits  
 29 paid to the child support obligee as a result of disability  
 30 benefits awarded to the child support obligor fully satisfy and  
 31 substitute for the support obligations for the same period of  
 32 time for which the benefits are awarded.

33 2. For the purposes of calculating a support obligation  
 34 under [section 598.21B](#), the dependent benefits paid for any  
 35 child shall be included as income to the disabled parent.



1 benefits shall be treated in the same manner as social security  
2 dependent (SSD) benefits are treated under current law. Under  
3 current law, if a child receives SSD benefits as the result of  
4 a parent's disability, the payment amount is to be included  
5 as income to the parent when calculating the amount of child  
6 support. After calculating the amount of child support, if  
7 the disabled parent is the obligor, the obligor's support  
8 obligation is then to be credited, dollar-for-dollar, in  
9 the amount of the SSD payment made to the dependent, with  
10 any remaining obligation amount to be paid by the obligor.  
11 Unless the court otherwise provides, dependent benefits  
12 paid to the child support obligee as a result of disability  
13 benefits awarded to the child support obligor fully satisfy and  
14 substitute for the support obligations for the same period of  
15 time for which the benefits are awarded, until such time as the  
16 child support order is modified.

17 The bill also makes conforming changes including those  
18 in Code chapter 252H (adjustment and modification of  
19 support orders) to allow the child support recovery unit  
20 (CSRU) to include a determination of arrearages in veteran  
21 disability-related modification orders, as is the case with  
22 SSD-related modification orders, to provide a way for a parent  
23 and CSRU to determine if any arrearages are due to the change  
24 in the law.